

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

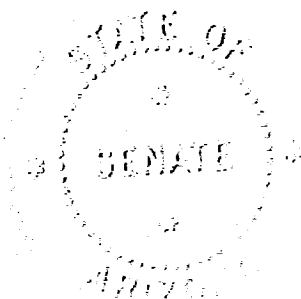
CHAPTER 65

SENATE BILL 1460

AN ACT

AMENDING TITLE 48, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-1020; RELATING TO DOMESTIC WATER IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 48, chapter 6, article 4, Arizona Revised Statutes,
3 is amended by adding section 48-1020, to read:

4 48-1020. Merger of domestic water improvement districts;
5 petition or resolution; hearing; election; deposit

6 A. THE COUNTY BOARD OF SUPERVISORS SHALL HOLD A HEARING ON THE
7 PROPOSED MERGER OF TWO OR MORE DOMESTIC WATER IMPROVEMENT DISTRICTS THAT ARE
8 FORMED PURSUANT TO THIS ARTICLE IF EITHER OF THE FOLLOWING APPLIES:

9 1. THE COUNTY BOARD OF SUPERVISORS HAS RECEIVED A PETITION CONTAINING
10 THE SIGNATURES OF AT LEAST TWENTY-FIVE PER CENT OF THE QUALIFIED ELECTORS
11 WITHIN EACH OF THE AFFECTED DISTRICTS AND PROPOSING THE MERGER OF THE
12 DOMESTIC WATER IMPROVEMENT DISTRICTS. THE COUNTY BOARD OF SUPERVISORS SHALL
13 VERIFY THE PETITIONS IN THE SAME MANNER PROVIDED IN SECTION 48-903 AND SHALL
14 HOLD A PUBLIC HEARING ON THE MERGER AT A TIME AND PLACE DETERMINED BY THE
15 COUNTY BOARD OF SUPERVISORS.

16 2. THE BOARD OF DIRECTORS OF EACH OF THE AFFECTED DOMESTIC WATER
17 IMPROVEMENT DISTRICTS HAS ADOPTED BY A TWO-THIRDS VOTE A RESOLUTION
18 REQUESTING THE MERGER OF THE DISTRICTS AND EACH HAS FILED THAT RESOLUTION
19 WITH THE COUNTY BOARD OF SUPERVISORS. ON RECEIPT OF THE RESOLUTIONS, THE
20 COUNTY BOARD OF SUPERVISORS SHALL HOLD A PUBLIC HEARING ON THE MERGER AT A
21 TIME AND PLACE DETERMINED BY THE COUNTY BOARD OF SUPERVISORS.

22 B. THE PETITION OR RESOLUTIONS SHALL CONTAIN THE NAME AND A
23 DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED DISTRICT AND A DETAILED,
24 ACCURATE MAP OF THE AREA TO BE INCLUDED IN THE DISTRICT AND SHALL SPECIFY
25 THAT THE PROPOSED DISTRICT WILL BE ADMINISTERED BY A DISTRICT BOARD. NO NEW
26 TERRITORY MAY BE INCLUDED AS A RESULT OF THE MERGER, BUT THE MERGED DISTRICT
27 MAY THEREAFTER EXPAND AS PROVIDED UNDER THIS CHAPTER.

28 C. IF THE COUNTY BOARD OF SUPERVISORS DETERMINES AFTER A PUBLIC
29 HEARING THAT THE PROPOSED MERGER WOULD SERVE THE PUBLIC CONVENIENCE, WELFARE
30 OR NECESSITY, THE COUNTY BOARD OF SUPERVISORS SHALL CALL AN ELECTION FOR A
31 VOTE OF THE PUBLIC ON THE QUESTION OF THE MERGER OF THE DOMESTIC WATER
32 IMPROVEMENT DISTRICTS. THE BOARD OF SUPERVISORS SHALL NOT CALL AN ELECTION
33 TO MERGE DOMESTIC WATER IMPROVEMENT DISTRICTS MORE FREQUENTLY THAN ONCE EVERY
34 TWO YEARS. THE ORDER SHALL NOT BE ENTERED UNTIL THE PETITIONERS OR THE
35 BOARDS OF DIRECTORS OF THE DOMESTIC WATER IMPROVEMENT DISTRICTS HAVE
36 DEPOSITED WITH THE BOARD OF SUPERVISORS SUFFICIENT MONIES, NOT EXCEEDING ONE
37 THOUSAND DOLLARS, TO DEFRAY THE EXPENSES OF THE ELECTION. THESE MONIES SHALL
38 BE PAID OUT ON THE ORDER OF THE BOARD OF SUPERVISORS. IF THE DOMESTIC WATER
39 IMPROVEMENT DISTRICTS ARE MERGED, THE DEPOSITORS OF THESE MONIES SHALL BE
40 REIMBURSED FROM THE MERGED DOMESTIC WATER IMPROVEMENT DISTRICT'S MONIES.
41 WHETHER OR NOT THE DISTRICTS ARE MERGED, THE DOMESTIC WATER IMPROVEMENT
42 DISTRICTS SHALL REIMBURSE THE COUNTIES FOR THE EXPENSES OF THE ELECTION.

43 D. IF THE PROPOSED DISTRICT IS LOCATED IN MORE THAN ONE COUNTY, THE
44 PETITION OR RESOLUTIONS SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS OF THE
45 COUNTY IN WHICH THE MAJORITY OF THE ASSESSED VALUATION OF THE PROPOSED MERGED

1 DISTRICT IS LOCATED. THE BOARDS OF SUPERVISORS OF ANY OTHER COUNTIES IN
2 WHICH THE AFFECTED DISTRICTS ARE LOCATED SHALL PROVIDE INFORMATION AND
3 ASSISTANCE TO THE RESPONSIBLE BOARD OF SUPERVISORS.

4 E. FOR ANY ELECTION CALLED PURSUANT TO THIS SECTION, THE WORDS
5 APPEARING ON THE BALLOT SHALL BE "(INSERT DOMESTIC WATER IMPROVEMENT
6 DISTRICTS' NAMES) MERGE AS A DOMESTIC WATER IMPROVEMENT DISTRICT--YES" AND
7 "(INSERT DOMESTIC WATER IMPROVEMENT DISTRICTS' NAMES) MERGE AS DOMESTIC WATER
8 IMPROVEMENT DISTRICT--NO."

9 F. WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS
10 SHALL MEET AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY
11 OF THE VOTES CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN
12 FAVOR OF MERGING THE DOMESTIC WATER IMPROVEMENT DISTRICTS, THE BOARD SHALL
13 ENTER THAT FACT ON ITS MINUTES.

14 G. IF THE PROPOSAL FOR MERGER IS APPROVED AS PROVIDED BY SUBSECTION F
15 OF THIS SECTION, THE GOVERNING BODY OF THE AFFECTED DISTRICT WITH THE LARGEST
16 POPULATION SHALL CALL A JOINT MEETING OF THE GOVERNING BODIES OF THE AFFECTED
17 DISTRICTS. AT THE JOINT MEETING, A MAJORITY OF THE MEMBERS OF THE GOVERNING
18 BODY OF EACH AFFECTED DISTRICT CONSTITUTES A QUORUM FOR THE TRANSACTION OF
19 BUSINESS. THE MEMBERS OF THE GOVERNING BODIES OF BOTH DISTRICTS SHALL
20 CONVENE A JOINT MEETING TO APPOINT A TOTAL OF AT LEAST FIVE PERSONS FROM ALL
21 THOSE CURRENTLY SERVING ON THE GOVERNING BODIES OF BOTH OF THE DISTRICTS,
22 EACH OF WHOM SHALL COMPLETE THEIR REGULAR TERMS OF OFFICE, EXCEPT THAT NO
23 MORE THAN A SIMPLE MAJORITY OF THE PERSONS APPOINTED MAY SERVE TERMS THAT END
24 IN THE SAME YEAR. NO MORE THAN A SIMPLE MAJORITY SHALL BE APPOINTED FROM THE
25 SAME DOMESTIC WATER IMPROVEMENT DISTRICT BOARD, AND THE MAJORITY OF THE
26 MERGED BOARD SHALL BE FILLED BY BOARD MEMBERS FROM THE DISTRICT THAT HAS THE
27 GREATER NUMBER OF CUSTOMERS. THE APPOINTED BOARD SHALL IMMEDIATELY MEET AND
28 ORGANIZE ITSELF AND ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON. THE
29 APPOINTED BOARD BY RESOLUTION SHALL DECLARE THE DISTRICTS MERGED AND EACH
30 AFFECTED DISTRICT JOINED. THE RESOLUTION AND THE NAMES OF THE NEWLY
31 ORGANIZED BOARD MEMBERS SHALL BE SENT TO THE COUNTY BOARD OF SUPERVISORS
32 WITHIN THIRTY DAYS AFTER ORGANIZATION AND A CERTIFIED COPY OF THE RESOLUTION
33 AND THE LEGAL DESCRIPTION OF THE MERGED DISTRICT SHALL BE RECORDED IN EACH
34 COUNTY IN WHICH THE DISTRICT EXISTS. FROM THE DATE OF THE RECORDING OF THE
35 RESOLUTION OF MERGER AND LEGAL DESCRIPTION OF THE DISTRICT BY THE APPOINTED
36 BOARD, THE MERGER IS COMPLETE. THE MERGED DISTRICT SHALL ASSUME ANY DEBTS OF
37 EACH OF THE AFFECTED DOMESTIC WATER IMPROVEMENT DISTRICTS.

APPROVED BY THE GOVERNOR APRIL 11, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2005.

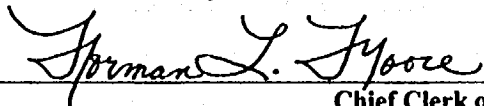
Passed the House April 4, 2005,

by the following vote: 50 Ayes,

6 Nays, 4 Not Voting



Speaker of the House

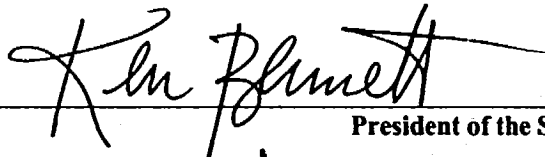


Chief Clerk of the House

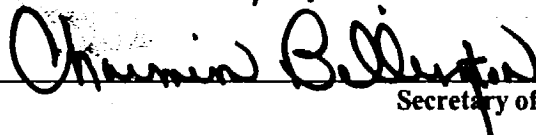
Passed the Senate March 8, 2005,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2005

at 2:15 o'clock P. M.

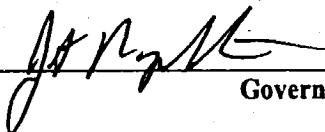


Secretary to the Governor

Approved this 11 day of

April, 2005,

at 10:10 o'clock A. M.



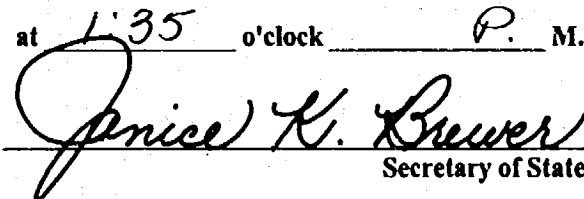
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2005,

at 1:35 o'clock P. M.



Secretary of State

S.B. 1460